

**MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT
SENTENCE BY A PERSON IN FEDERAL CUSTODY**

United States District Court		CLERK, U.S. DISTRICT COURT of Alaska (Anchorage)	
Name (under which you were convicted): Tristan Grant		Case No.: 3:19-cr-00003-RRB	
Place of Confinement: District of Alaska (Anchorage)		Prisoner No.: 35297-183	
UNITED STATES OF AMERICA		Movant (include name under which you were convicted)	
		v. Tristan Jamal Grant	

MOTION

1. (a) Name and location of court that entered the judgment of conviction you are challenging:

District of Alaska (Anchorage)

- (b) Criminal docket or case number (if you know):

3:19-cr-00003-001-RRB
~~3:19-cr-00003-RRB~~

2. (a) Date of the judgment of conviction (if you know):

1-13-22

- (b) Date of sentencing: 1-5-2022

3. Length of sentence: 35 years

4. Nature of crime (all counts):

Conspiracy to Engage in Sex Trafficking of Minors, Sex Trafficking of A Minor,
Sexual Exploitation of a child-Production of child Pornography, Felon in Possession of
Firearm and Ammunition

5. (a) What was your plea? (Check one)

(1) Not guilty ☒

(2) Guilty ☐

(3) Nolo contendere (no contest) ☐

- (b) If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, what did you plead guilty to and what did you plead not guilty to?

6. If you went to trial, what kind of trial did you have? (Check one)

Jury ☐

Judge only ☒

7. Did you testify at a pretrial hearing, trial, or post-trial hearing? Yes ☒ No ☐
8. Did you appeal from the judgment of conviction? Yes ☒ No ☐
9. If you did appeal, answer the following:

(a) Name of court: Ninth Circuit Court of Appeals

(b) Docket or case number (if you know): ~~22-30071~~ No. 22-30071

(c) Result: Still pending, stayed

(d) Date of result (if you know):

(e) Citation to the case (if you know): No. 22-30071

(f) Grounds raised:

(A) The District court committed Reversible structural Error By Prejudging Me Guilty Before The government Rested Its case. (B) Reversible structural Error Because Jury Trial Waiver Was Not Knowing, Intelligent, or Voluntary. (C) violated my Right To A Speedy Trial.

- (g) Did you file a petition for certiorari in the United States Supreme Court? Yes ☐ No ☒

If "Yes," answer the following:

(1) Docket or case number (if you know):

(2) Result:

(3) Date of result (if you know):

(4) Citation to the case (if you know):

(5) Grounds raised:

10. Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications concerning this judgment of conviction in any court?

Yes ☐ No ☒

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court:

(2) Docket or case number (if you know):

(3) Date of filing (if you know):

(4) Nature of the proceeding:

(5) Grounds raised:

(6) Did you receive a hearing where evidence was given on your motion, petition, or application? Yes ☐ No ☐

(7) Result:

(8) Date of result (if you know):

(b) If you filed any second motion, petition, or application, give the same information:

(1) Name of court:

(2) Docket or case number (if you know):

(3) Date of filing (if you know):

(4) Nature of the proceeding:

(5) Grounds raised:

(6) Did you receive a hearing where evidence was given on your motion, petition, or application? Yes ☐ No ☐

(7) Result:

(8) Date of result (if you know):

(c) Did you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition, or application?

(1) First petition: Yes ☐ No ☐

(2) Second petition: Yes ☐ No ☐

(d) If you did not appeal from the action on any motion, petition, or application, explain briefly why you did not:

12. For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: 5th And 6th Amendment violation, And Abuse of Discretion to Not Continue My Trial.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): I Went To Trial In April 2021, The Jail would Not Let Anyone visit Inmates unless they were vaccinated, I was Not. I had A protective order place on discovery After The government gave Attorney All The discovery and covid hit. So I NEVER meet with Attorney to Adequately Prepare For Trial, I Brought This Issue up To My Judge At Final pre-Trial Conference The week of Trial, And was Told That he The Judge was willingly to Do Anything To solve This problem But continue My Trial. So No Remedy occurred. So I Again Asked For A continue At Trial To go over Discovery and prepare and subpoena witness on My Behalf and was Denied. All Because of covid and I was Not vaccinated ~~Could not prepare~~ I was Denied My Rights to prepare For Trial, 5 Days After My Trial They opened The Jail To Attorneys Even If The Inmates where Not vaccinated. I Was Not Allowed A reasonable Amount of Time To view Discovery.

(b) Direct Appeal of Ground One:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why: My Attorney Did Not Include It on My Behalf and request, And stated It would Be more suited To Attack on A 2855 motion so This Is what I'm Doing, I Did want It In Direct, I'm Not A Expert So I Followed his representation.

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know): 200

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

GROUND TWO: 5th Due Process, Brady (violated my right to fair trial under Brady)
Brady/Giglio/Bagley/Youngblood/Kyles

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

I was Denied Evidence For Trial and sentencing. Also Evidence was Intentionally Suppressed By Government That was Exculpatory and Impeachable. Main Two witnesses were coerced and forced to take A Deal and To Testify

(b) Direct Appeal of Ground Two:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

Was Told It was A 2255 Issue By Attorney.

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☒ No ☐

(2) If your answer to Question (c)(1) is "Yes," state: Verbal Motion and Paper

Type of motion or petition: Motion to continue sentencing

Name and location of the court where the motion or petition was filed:

Anchorage Alaska Federal District Court

Docket or case number (if you know): 334, 342, 356

Date of the court's decision: 1-5-22

Result (attach a copy of the court's opinion or order, if available):

Denied

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or

raise this issue:

I Was Told By Judge and Attorney That It Is A Direct Appeal Issue. If I could Have Raised It Before Hand I would of my Attorney was InEffective I Asked him could I Bring It up In A Rule 33 Motion For New Trial on Those grounds was Told Maybe And That I had 90 Days To Do It, When That was Not True I Had 7 Days After Trial.

GROUND THREE: InEffective Assistance

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

My Attorney Did Not prepare For Trial At All with ME, We Did Not go over A Defence until The Day of Trial, He Did Not Investigate witnesses That Reached out To him, We NEVER went over Discovery Together Mainly Because of covid and Jail would Not Let Me see Attorney If Not vaccinated. Did Not present A case on my Behalf, Did Not subpoena Any one For me. Did Not Do nothing until AFTER Trial And I had To Ask The court Even Then to get him to Do Anything.

(b) Direct Appeal of Ground Three:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

Was Told By Appeal counsel It Is 2255 Material.

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

GROUND FOUR: *Napue violation / Due Process*

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

The government DID NOT correct Trial Testimony of witness, when they knew she was lying. They induced Trial Testimony that it knew was perjured and DID NOT correct.

(b) Direct Appeal of Ground Four:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

MY ATTORNEY DID NOT BRING IT UP. WANTED TO FOCUS ON ^{SPECIFIC} ~~MAJOR~~ ISSUES

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

13. Is there any ground in this motion that you have not previously presented in some federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

14. Do you have any motion, petition, or appeal now pending (filed and not decided yet) in any court for the judgment you are challenging? Yes ☒ No ☐

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised. *Direct Appeal In The 9th circuit courts of Appeal. Case No. 22-30071; (Speedy Trial Rights, Jury Trial Waiver, PreJudgment of Guilt)*

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: *Scott Dattari, 2600 Denali Street, Suite 4160, Anchorage AK 99503*

(b) At arraignment and plea: *Scott Dattari*

(c) At trial: *James Wendt, 310 K Street, Suite 305, Anchorage AK 99501*

(d) At sentencing: *James Wendt*

(e) On appeal: Jay A. Nelson, 637 SW Keck Drive, No. 415, McMinnville OR 97128

(f) In any post-conviction proceeding: James A. Wendt

(g) On appeal from any ruling against you in a post-conviction proceeding:

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time? Yes ☒ No ☐

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

(b) Give the date the other sentence was imposed:

(c) Give the length of the other sentence:

(d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or sentence to be served in the future? Yes ☐ No ☐

18. TIMELINESS OF MOTION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not bar your motion.*

Because I was Told By several of my Attorneys That I would Have to File my Direct Appeal First Before I can File A 2255. My Direct Has Been Filed since Last Year But still Not Answerd on The grounds I Appealed so I'm Filing For Post conviction on These grounds where I was Told To Bring These Issues up At.

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2255, paragraph 6, provides in part that:

A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of —

- (1) the date on which the judgment of conviction became final;
- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;
- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

Therefore, movant asks that the Court grant the following relief: REVERSE my conviction and my sentencing. Dismiss All charges or order New Trial.

or any other relief to which movant may be entitled.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Motion under 28 U.S.C. § 2255 was placed in the prison mailing system on
(month, date, year).

Executed (signed) on 10-5-2025 (date).

Jriston Grant

Signature of Movant

If the person signing is not movant, state relationship to movant and explain why movant is not signing this motion.

Tristan J. Grant #534531
Anchorage Correctional Complex - E
1400 E 4th AVE
Anchorage, AK 99501



ANCHORAGE, AK 99501
MON OCT 20 2008 PM

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